

REMARKS/ARGUMENTS

In the Office Action mailed March 16, 2007, the Office Action objected to claim 8 and rejected claims 1-15 under 35 U.S.C. § 103(a). The Office Action further rejected claims 1-15 under the nonstatutory obviousness-type double patenting. Claims 1, 8, 13 and 15 have been amended.

Reconsideration is respectfully requested in view of the above amendments to the claims and the following remarks.

I. Claim 8 Objected

The Office Action objected to claim 8 as including informalities. Claim 8 has been amended from “the communications network” to “the wireless network” as suggested by the Office Action. See Office Action, page 2. Accordingly, Applicants submit that claim 8 includes proper antecedent basis and request that the objection of claim 8 be withdrawn.

II. Rejection of Claims 1-15 Under 35 U.S.C. § 103

The Office Action rejected claims 1-15 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,074,434 to Cole et al. (hereinafter, “Cole”) in view of U.S. Patent No. 6,708,045 to Lieu et al. (hereinafter, “Lieu”), and alternatively over Cole in view of U.S. Patent No 6,163,274 to Lindgren (hereinafter, “Lindgren”). This rejection is respectfully traversed.

The factual inquiries that are relevant in the determination of obviousness are determining the scope and contents of the prior art, ascertaining the differences between the prior art and the claims in issue, resolving the level of ordinary skill in the art, and evaluating evidence of secondary consideration. KSR Int’l Co. v. Teleflex Inc., 550 U.S. ___, 2007 U.S. LEXIS 4745, at **4-5 (2007) (citing Graham v. John Deere Co. of Kansas City, 383 U.S. 1, 17-18 (1966)). To establish a *prima facie* case of obviousness, the prior art references “must teach or suggest all the claim limitations.” M.P.E.P. § 2142. Moreover, the analysis in support of an obviousness rejection “should be made explicit.” KSR, 2007 U.S. LEXIS 4745, at **37. “[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with

some rational underpinning to support the legal conclusion of obviousness.” Id. (citing In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006)).

Applicants respectfully submit that the claims at issue are patentably distinct from the cited references. The cited references do not teach or suggest all of the limitations in these claims.

Claim 1 has been amended to recite “the adapter does not comprise a user interface that is local to the adapter.” Cole, alone or in combination with Lieu and Lindgren, does not teach or suggest this claim element. Support for this amendment may be found in Applicants’ specification, page 10, line 7 – page 11, line 3 and Figures 7 – 12.

The Office Action points to reference numeral 14 in Figure 2 of Cole to support the assertion that Cole teaches a communications adapter. See Office Action, page 3. Applicants respectfully disagree with this assertion.

Reference numeral 14 in Figure 2 of Cole is referred to as a client. A client, as taught by Cole, does not teach or suggest an “adapter [that] does not comprise a user interface that is local to the adapter.” Instead, Cole states “each of the clients 14-16 comprises a personal computer.” Cole, col. 3, line 23. A personal computer (PC) does comprise a local user interface (i.e. keyboard, monitor, etc.) For example, Cole states “[t]he client 14 includes an update manager program 32 (including a GUI) [graphical user interface].” Cole, col. 3, lines 57-58. A PC that includes a GUI does not teach or suggest an adapter that “does not comprise a user interface that is local to the adapter.”

Further, Cole states “[a] user at client computer 14 selects an icon to invoke update manager.” Cole, col. 3, lines 62-64. Thus, the user executes the selection via a local user interface because Cole states “[a] user at client computer.” Id. In addition, Cole states “the update selection program . . . builds a selection form for display at the client.” Cole, col. 6, lines 54-56. Displaying a selection at the client teaches a client with a local user interface (i.e. monitor, display, etc.)

The Office Action also asserts that “Lieu teaches an adapter.” Office Action, page 4. Applicants respectfully disagree with this assertion. The Office Action points to reference numeral 201 in Figure 2 of Lieu to support this assertion. Reference numeral 201 of Figure 2 is a “computer.”

Lieu, col. 4, line 25. Lieu does not teach or suggest that the computer is a communications adapter that “does not comprise a user interface that is local to the adapter.” In fact, Lieu teaches the exact opposite.

Lieu states “computer 201 advantageously also comprises: a keyboard, a pointing device for a graphical user interface (e.g., a mouse, a touchpad, etc.) . . . a speaker, and a microphone.” Lieu, col. 4, lines 33-36. A computer that includes a keyboard, mouse, GUI, speaker and microphone does not teach or suggest a communications adapter that “does not comprise a user interface that is local to the adapter” as claimed by Applicants.

In addition, the Office Action asserts that “Lindgren teaches an adapter.” Office Action, page 5. Applicants respectfully disagree with this assertion. The Office Action points to reference numeral 100 in Figure 1 of Lindgren to support this assertion. Reference numeral 100 of Figure 1 is a personal digital assistant (PDA). See Lindgren, col. 2, line 52. The PDA taught in Lindgren does not teach or suggest a communications adapter that “does not comprise a user interface that is local to the adapter.” Instead, Lindgren teaches “displaying an appropriate alpha-numeric or icon symbol on the PDA screen, and/or sounding an appropriate audible sound using the PDA speaker/transducer.” Lindgren, col. 4, lines 36-38. A PDA that includes a screen and/or speaker does not teach or suggest a communications adapter that “does not comprise a user interface that is local to the adapter” as claimed by Applicants.

In view of the foregoing, Applicants respectfully submit that claim 1 is patentably distinct from the cited references. Accordingly, Applicants respectfully request that the rejection of claim 1 be withdrawn.

Claims 2-7 depend directly from claim 1. Accordingly, Applicants respectfully request that the rejection of claims 2-7 be withdrawn for at least the same reasons as those presented above in connection with claim 1 because Cole, Lieu and Lindgren, alone or in combination, do not teach or suggest all of the elements of claim 1.

Claim 8 has been amended to recite “the adapter does not comprise a user interface that is local to the adapter.” Cole, alone or in combination with Lieu and Lindgren, does not teach or

suggest this claim element. Support for this amendment may be found in Applicants' specification, page 10, line 7 – page 11, line 3 and Figures 7 – 12.

This amended element of claim 8 is similar in nature to the amended element of claim 1 provided above. As such, Applicants respectfully submit that claim 8 is patentably distinct from the cited references for at least the same reasons as those presented above in connection with claim 1. Accordingly, Applicants respectfully request that the rejection of claim 8 be withdrawn because the cited references do not teach or suggest all of the claim elements of claim 8.

Claims 9-12 depend either directly or indirectly from claim 8. Accordingly, Applicants respectfully request that the rejection of claims 9-12 be withdrawn for at least the same reasons as those presented above in connection with claim 8 because Cole, Lieu and Lindgren, alone or in combination, do not teach or suggest all of the elements of claim 8.

Claim 13 has been amended to recite “the adapter does not comprise a user interface that is local to the adapter.” Cole, alone or in combination with Lieu and Lindgren, does not teach or suggest this claim element. Support for this amendment may be found in Applicants' specification, page 10, line 7 – page 11, line 3 and Figures 7 – 12.

This amended element of claim 13 is similar in nature to the amended element of claim 1 provided above. As such, Applicants respectfully submit that claim 13 is patentably distinct from the cited references for at least the same reasons as those presented above in connection with claim 1. Accordingly, Applicants respectfully request that the rejection of claim 13 be withdrawn because the cited references do not teach or suggest all of the claim elements of claim 13.

Claim 14 depends directly from claim 13. Accordingly, Applicants respectfully request that the rejection of claim 14 be withdrawn for at least the same reasons as those presented above in connection with claim 13 because Cole, Lieu and Lindgren, alone or in combination, do not teach or suggest all of the elements of claim 13.

Claim 15 has been amended to recite “the adapter does not comprise a user interface that is local to the adapter.” Cole, alone or in combination with Lieu and Lindgren, does not teach or

suggest this claim element. Support for this amendment may be found in Applicants' specification, page 10, line 7 – page 11, line 3 and Figures 7 – 12.

This amended element of claim 15 is similar in nature to the amended element of claim 1 provided above. As such, Applicants respectfully submit that claim 15 is patentably distinct from the cited references for at least the same reasons as those presented above in connection with claim 1. Accordingly, Applicants respectfully request that the rejection of claim 15 be withdrawn because the cited references do not teach or suggest all of the claim elements of claim 15.

III. Double Patenting Rejection of Claims 1-15

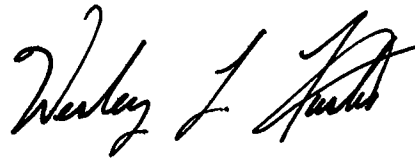
The Office Action rejection claims 1-15 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over of U.S. Patent No. 7,146,254 to Michael L. Howard et al. in view of Cole and further in view of Lieu and Lindgren. Applicants herewith file a terminal disclaimer in compliance with 37 C.F.R. § 1.321 to overcome this rejection. The terminal disclaimer is enclosed.

Appl. No. 10/784,485
Amdt. dated June 11, 2007
Reply to Office Action of March 16, 2007

IV. Conclusion

Applicants respectfully assert that all pending claims are patentably distinct from the cited references, and request that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Wesley L. Austin". The signature is fluid and cursive, with the first name "Wesley" being the most prominent.

/Wesley L. Austin/

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Date: June 11, 2007

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